

REMARKS

In this response to the Third Office Action in the application, Claims 1 and 21 have been amended, no claims have been added, and no claims have been cancelled. Claims 1 through 25 remain pending in the application. A complete Listing Of Claims is appended to this document.

In the Office Action, the Examiner allowed Claims 12 through 20. The Examiner noted that the subject matter of Claims 2, 4 - 11, and 22 - 24 is allowable, and that those claims would be allowable if rewritten to include all the limitations of the base claim and any intervening claims. The claim allowance and recognition of allowable subject matter is acknowledged, with appreciation.

The Examiner rejected Claims 1, 3, 21, and 25 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,888,247, to Zweben et al., maintaining the position stated in previous office actions and summarized by Applicants in previous responses. Although Applicants continue to disagree with the Examiner's application of the Zweben reference to the rejected claims, Applicants believe that the argument has become moot in light of the present amendments to Claims 1 and 21.

Claim 1 has been amended to claim a “magnetically detectable composite structural reinforcement device”, and to recite that the plies of the device are bonded together to form a “continuous elongate magnetically detectable body”. (Emphasis added in both quotations.) Claim 21 has been amended to claim a “magnetically detectable composite structural reinforcement device”, and to recite “magnetic detection means formed of magnetically detectable material interconnected to said body whereby said body is magnetically detectable”. (Emphasis added in both quotations.) Applicants' suggest that the amended claims clearly delineate that the entire body of the claimed composite structural reinforcement device is magnetically detectable. Claims 3 and 25 are dependent under Claims 1 and 21, respectively, and accordingly include all of the elements and

limitations of the respective base claims. Therefore, following amendment, all rejected claims recite that the complete body of the composite device is magnetically detectable.

As Applicants have noted in previous responses, Zweben does not address detectability of any kind, and makes no reference to magnetism or magnetic detectability. The Examiner has taken the position that the mention in Zweben of the use of a sheet, film, or foil of a metallic material, including iron or an iron alloy, would inherently meet the recitation in the original claims of a “detectable ply” (Claim 1) and “magnetic detection means” (Claim 21). In the Office Action the Examiner stated that it is known in the art that components containing iron or nickel are inherently magnetically detectable. Assuming that a sheet, film, or foil of iron or nickel or alloys containing such metals, as referred to by Zweben, are themselves magnetically detectable, Zweben does not teach, and it cannot be inferred from Zweben, that the complete structure of which they may be a part is magnetically detectable. Magnetic detectability of a structure as a whole is not an inherent result of the inclusion of some magnetically detectable material in the structure. As the Examiner noted, “the inclusion of small amounts of a magnetically detectable material in a composite may not result in being magnetically detectable...”. (See page 4 of Office Action mailed 11/20/2003.)

Since Zweben does not disclose or teach magnetic detectability, and since it is recognized that the use of iron or nickel in the Zweben composite does not inherently make the Zweben composite magnetically detectable, Applicants argue that Claims 1 and 21, as amended, cannot be deemed to be anticipated by the Zweben et al. reference. Accordingly, Applicants argue that Claims 1 and 21, as amended, are allowable over the prior art. Since Claims 3 and 25 are dependent under Claims 1 and 21, respectively, and include all of the elements and limitations of those base claims, Claims 3 and 25 are allowable as well.

The Examiner objected to Claims 2 - 4, 11, and 22 - 24, presumably upon the grounds as stated in a previous Office Action, and the accompanying statement that those claims would be allowable if rewritten to include all the limitations of the base claim and any intervening claim(s). Claims 2 - 4 and 11 are dependent under Claim 1, either directly or through intervening claim(s). Claims 22 - 24 are dependent under Claim 21, either directly or through intervening claims(s). Since, as Applicants believe, they have demonstrated that Claims 1 and 21 are allowable, Applicants further believe that the basis for objection is moot, and the claims objected to are allowable as currently presented.

Applicants believe that all claims of the application are now allowable and in condition for allowance. Applicants request that upon continuing examination all claims accordingly be allowed. This amendment is submitted with an appropriate and timely filed request for continuing examination, and with the required filing fee.

Respectfully submitted,



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